

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re the Reissue application of:

HASEBE et al.

U.S. Patent No. 5,796,824

Issued: August 18, 1998

For: STORAGE MEDIUM FOR PREVENTING AN IRREGULAR USE BY A
THIRD PARTY

DECLARATION FOR REISSUE APPLICATION

Assistant Commissioner of Patents
Washington, D.C. 20231

Sir:

We, Takayuki Hasebe, residing at c/o FUJITSU LIMITED,
1-1, Kamikodanaka 4-chome, Nakahara-ku, Kawasaki-shi,
Kanagawa 211-8588, Japan, Ryota AKIYAMA, residing at c/o
FUJITSU LIMITED, 1-1, Kamikodanaka 4-chome, Nakahara-ku,
Kawasaki-shi, Kanagawa 211-8588, Japan, Makoto YOSHIOKA,
residing at c/o FUJITSU LIMITED, 1-1, Kamikodanaka 4-chome,
Nakahara-ku, Kawasaki-shi, Kanagawa 211-8588, Japan, do
hereby declare and state that:

(1) We are citizens of Japan, residing at the above-
identified respective residences and are the original first
and joint inventors of the invention described in U.S. Patent

No. 5,796,824 issued August 18, 1998 and described and claimed in the application for a reissue patent.

(2) We have reviewed and understand the contents of the above-identified reissue application for a reissue patent, including the claims.

(3) We acknowledge the duty to disclose information which is material to the examination of this application in accordance with Title 37, Code of Federal Regulations, §1.56(a).

(4) U.S. Patent No. 5,796,824 is wholly or partly inoperative or invalid by reasons of the patentees claiming less than they had the right to claim in the patent by reason of errors in the claims.

(5) A deficiency arises in the claims since the claims granted do not completely cover the scope of the present invention described within the specification. In particular, the claims granted do not protect a storage medium comprising a medium personal number and electronic information where the electronic information is encrypted based upon the medium personal number as described within the specification. Furthermore, the claims granted do not protect a storage medium comprising encrypted electronic information and a medium personal number which is used for decrypting the encrypted electronic information which is based on the medium

personal number as described within the specification.

(6) The error of not claiming all that applicants were entitled to claim arose during the prosecution of U.S. patent No. 5,796,824. The application was not reviewed in detail to detect all errors until after the issue fee was paid and the patent issued.

(7) The above errors were discovered when applicants' counsel conducted an extensive review of the contents of the patent to detect any errors therein. The review was conducted around the end of November 1998 by an employee of Fujitsu who was working at the patent department and handling this case. The review of the application took place when Fujitsu became aware that a system similar to the present invention had been developed by Iomega Corporation in cooperation with Liquid Audio Inc.

(8) The above amendments to the claims correct this error by adding new claims 17 and 18 which describe the features discussed above.

(9) The errors described above in paragraphs 5 and 8 arose without any deceptive intention on the part of the patentees.

(10) We hereby appoint the following attorneys in full power of substitution and revocation to prosecute this

application and to transact all business in the U.S. Patent and Trademark Office in connection therewith:

David T. Nikaido, Reg. No. 22,663; Charles M. Marmelstein, Reg. No. 25,895; Robert B. Murray, Reg. No. 22,980; George E. Oram, Jr., Reg. No. 27,931; Ellen Marcie Emas, Reg. No. 32,131; Monica Chin Kitts, Reg. No. 36,105; Richard J. Berman, Reg. No. 39,107; King L. Wong, Reg. No. 37,500; Patrick D. Muir, Reg. No. 37,403; James A. Poulos, III, Reg. No. 31,714; Karen K. Costantino, Reg. No. 35,107; Sharon N. Klesner, Reg. No. 36,335; Herbert C. Rose, Reg. No. 29,846; Murat Ozgu, Reg. No. 44,275.

(11) All correspondence may be directed to the following address:

NIKAIKO, MARMELSTEIN, MURRAY & ORAM, LLP
655 Fifteenth Street, N.W.
G Street Lobby - Suite 330
Washington, D.C. 20005-5701

(12) The undersigned declares further that all statements made herein of our own knowledge are true and that all statements made on information and belief are believed to be true; and further that all these statements were made with the knowledge that willful, false statements and the like so

made are punishable by fine or imprisonment, or both, under section 1001, of Title 18 of the United States Code, and that such willful, false statements may jeopardize the validity of the application or any patent issued or reissued thereon.

Respectfully submitted,

Full Name of Inventor: Takayuki HASEBE

Inventor Signature: *Takayuki Hasebe* Date: December 14, 1999

Residence: c/o FUJITSU LIMITED, 1-1, Kamikodanaka 4-chome,
Nakahara-ku, Kawasaki-shi, Kanagawa 211-8588,
Japan

Citizenship: Japanese

Post Office Address: c/o FUJITSU LIMITED, 1-1, Kamikodanaka
4-chome, Nakahara-ku, Kawasaki-shi,
Kanagawa 211-8588, Japan

Full Name of Inventor: Ryota AKIYAMA

Inventor Signature: *Ryota Akiyama* Date: December 14, 1999

Residence: c/o FUJITSU LIMITED, 1-1, Kamikodanaka 4-chome,
Nakahara-ku, Kawasaki-shi, Kanagawa 211-8588,
Japan

Citizenship: Japanese

Post Office Address: c/o FUJITSU LIMITED, 1-1, Kamikodanaka
4-chome, Nakahara-ku, Kawasaki-shi,
Kanagawa 211-8588, Japan

Full Name of Inventor: Makoto YOSHIOKA

Inventor Signature: *Makoto Yoshioka* Date: December 14, 1999

Residence: c/o FUJITSU LIMITED, 1-1, Kamikodanaka 4-chome,
Nakahara-ku, Kawasaki-shi, Kanagawa 211-8588,
Japan

Citizenship: Japanese

Post Office Address: c/o FUJITSU LIMITED, 1-1, Kamikodanaka
4-chome, Nakahara-ku, Kawasaki-shi,
Kanagawa 211-8588, Japan

Attorney Docket No. P21-9028

Metropolitan Square
655 15th Street, N.W.
Suite 330 - G Street Lobby
Washington, D.C. 20005-5701
(202) 638-5000

EME: cf